

STAT

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

STAT

12 October 1983

STAT

MEMORANDUM FOR: Chief, Information Management Staff

FROM:   
Information Management Staff, DO

SUBJECT: Recommendation for the Disposition of OSS Records

REFERENCE: C/ Memorandum dated 30 September 1983, Same Subject.

1. Reference sketches the recent meetings with the CIA historian, Kenneth McDonald concerning the possible release of OSS records to NARS and discusses several issues. It also makes recommendations for the disposition of OSS records. This memorandum sets forth what I consider to be additional issues and a recommendation based on those issues.

2. In the initial release of OSS records to NARS the Agency placed a restriction on the use of the records which NARS accepted, namely that "In keeping with the provisions of the Privacy Act, <sup>will</sup> information concerning the affiliation of U.S. persons with OSS, not be released without the consent of the person involved." According to OGC, subsequent interpretation of the Privacy Act has revealed that affiliation of U.S. persons with OSS may not be protected under the provisions of that act. Protection of those affiliations may, however, be afforded under the CIA Act as a matter of Agency policy.

3. Regardless of the applicability or inapplicability of the Privacy Act, the grounds for requesting the restriction remain. They are well stated in several letters the Agency has issued to NARS, historians and others who have asked that the restrictions be lifted. Thus, from a letter from William J. Casey to

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

With respect to your concern regarding access to the 198 cubic feet of OSS records transferred to the National Archives and Records Service (NARS) by CIA in 1980, I am sure you will appreciate that the unique nature of service with OSS weighs heavily when considering the issue of public access to information involving OSS personnel. For many persons affiliated with OSS, such public disclosure would cause no problem, indeed, they would be proud to have their accomplishments known. However, for other former OSS personnel, particularly those still employed in intelligence or living or working overseas, revelation of their OSS affiliation could adversely affect their lives or those of their family and associates.

It was for these reasons that CIA imposed certain restrictions of public access to the records when they were transferred to NARS. These restrictions provided (a) that foreign government information would not be released without the prior approval of the government concerned, and (b) that in keeping with their right to privacy, information concerning the affiliation of U.S. persons with OSS would not be released without the consent of the person involved.

NARS has examined the OSS records we sent to them and has told us informally that in view of the restrictions there is no practical way they can service public requests for the information. Because of this we have told NARS that we are prepared to take the records back until such time as they can be released without restriction.

We will continue to service requests for OSS information as we have done for many years. Responses to such requests do of course omit certain information which is still classified for reasons of national security or must be withheld in accordance with statutory requirements and privacy considerations. You are welcome to send us a request if there are specific subjects of interest to you.

4. I believe that for the Agency to lift the restriction now and release the OSS records to NARS for public exploitation would adversely affect a number of OSS personnel who worked clandestinely or under cover during the war or who are still involved in intelligence or who may now be living or working overseas. I believe also that the release of OSS records en masse with the publicity that can be expected and the "revelations" which are sure

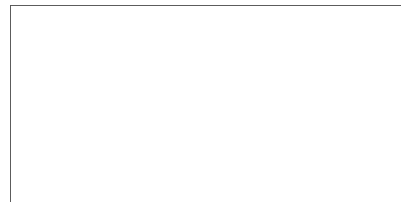
~~ADMINISTRATIVE - INTERNAL USE ONLY~~

~~ADMINISTRATIVE~~ ~~INTERNAL USE ONLY~~

to follow despite our efforts to withhold classified portions may well adversely affect our relationships with foreign services (none of which have released their intelligence records) and our agents and prospective agents who will question not only our ability to keep those relationships secret but our intent to do so. We know that they have been concerned about what FOIA might do to us. Will they understand what we are doing to ourselves?

5. Our experience confirms what C,  argues, namely that we are willing and able to help historians and at the same time protect equities which must be protected. There is already a considerable body of OSS material released in response to individual FOIA requests which is available to the general researcher and there continue to be substantial releases as time goes on. Practically speaking also it makes <sup>more</sup> sense to have one holding of records to research than to have two. Even if OSS records were released to NARS, we would continue to hold the OSS personnel records and those other portions which are classified and that means researchers at NARS would have to come to us and we would have to go to NARS to get the whole story.

6. To protect the privacy of those who worked in confidence for us, the equities we have in relationships with foreign services and with our own agents, and for practical reasons in servicing research requests, I believe the OSS records should remain in our archives.



cc: C/IMS/  
C/OIS/RMD/RSB/DA

STAT

STAT

~~ADMINISTRATIVE~~ ~~INTERNAL USE ONLY~~

STAT